

Application Serial No. 10/637,204  
Amendment dated  
Reply to Office Action dated June 21, 2004

### **REMARKS/ARGUMENTS**

Claims 18-36 are pending in the application. The Examiner rejected Claims 18-28.  
Claims 29-36 are added by the current amendment.

#### **Specification**

Responsive to the Examiner's objection to the specification, Applicants have amended the cross reference to related applications in accordance with the Examiner's suggestion.

#### **Claim Rejections – 35 U.S.C. §102(b)**

The Examiner rejected Independent Claims 18 and 23, and Claims 19-22 and 24-28 depending therefrom, under 35 U.S.C. §102(b) as unpatentable over U.S. Patent No. 5,000,056 (hereinafter "Crawford '056").

Independent Claim 18 calls for, *inter alia*, a transaxle comprising a housing and a pair of axially aligned axles rotatably supported in the housing, the axles being selectively coupled together, the axles being rotatably fixed to one another when the axles are coupled together. Applicants respectfully submit that Crawford '056 does not disclose or suggest a transaxle including a pair of axially aligned axles that are selectively coupled together and rotatably fixed to one another when they are coupled together as called for in Independent Claim 18.

In rejecting Independent Claim 18, the Examiner indicated that Crawford '056 discloses a transaxle including a pair of axially aligned axles 24, 68 capable of being engaged and disengaged from one another via gear assemblies 26-38 and 54. Applicants respectfully submit that gear assemblies 26-38 and 54 do not function to engage and disengage axles 24, 68 *from one another*, but rather function to drive ring gear 56 of differential 58 and, consequently, axles 24 and 68 at differing speeds. Axles 24, 68 are selectively engaged (through, e.g., differential 58, pinion gear 54, shaft 22, and draw key 39) with each of gears 26-38; however, gears 26-38 do not selectively couple axles 24, 68 together so that they are *rotatably fixed to one another* when they are coupled together, as called for in Independent Claim 18.

Because Crawford '056 does not disclose or suggest a transaxle including a pair of axially aligned axles that are selectively coupled together and rotatably fixed to one another

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when they are coupled together, as called for in Independent Claim 18, Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of Independent Claim 18 and Claims 19-22 depending therefrom.

Claim 23 calls for, *inter alia*, a transaxle comprising a housing including first and second housing portions which interface substantially along a first plane, and reduction gearing including two parallel shafts on which are disposed a plurality of gears, the shafts lying in a second plane, the first and second planes being nonparallel.

Applicants respectfully submit that Crawford '056 does not disclose or suggest first and second housing portions which interface substantially along a first plane and two gear reduction shafts lying in a second plane, the first and second planes being *nonparallel*. Referring to Figure 1, it appears that shafts 22 and 24 lie in a plane *parallel* to the plane along which the housing portions interface, contrary to the arrangement called for in Independent Claim 23.

Because Crawford '056 does not disclose or suggest first and second housing portions which interface substantially along a first plane and two gear reduction shafts lying in a second plane, the first and second planes being non-parallel, as called for in Independent Claim 23, Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of Independent Claim 23 and Claims 24-28 depending therefrom.

#### **New Claims**

Claims 29-36 are added by the current amendment. Applicants respectfully submit that Claims 29-36 define over the prior art and are in condition for allowance.

Applicants have added new Independent Claim 29 as well as Claims 30-32 depending therefrom. New Independent Claim 29 calls for a transaxle comprising, *inter alia*, a housing, a first axle, a second axle, the first and second axles axially aligned and rotatably supported in the housing, and a collar rotatably fixed to the first axle, the collar axially moveable relative to the first axle between a first position, in which the collar is rotatably fixed to the first axle and is not rotatably fixed to the second axle, and a second position in which the collar is rotatably fixed to both the first and second axles, whereby the collar rotatably fixes the first axle to the second axle when the collar is in the second position. Applicants respectfully submit that such a transaxle including a collar as called for in new Independent Claim 29 is not disclosed or

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suggested in the prior art and therefore new Independent Claim 29 and Claims 30-32 depending therefrom are in condition for allowance.

Applicants have also added new Independent Claim 33 as well as Claims 34-36 depending therefrom. New Independent Claim 33 calls for a transaxle comprising, *inter alia*, a housing, a first axle, a second axle, the first and second axles axially aligned and rotatably supported in the housing, and a coupling means for selectively coupling the first axle to the second axle, the coupling means engaged with the first axle in a first configuration, the coupling means not engaged with the second axle in the first configuration, and the coupling means engaged with the first axle and the second axle in a second configuration, whereby the coupling means rotatably couples the first axle to the second axle in the second configuration, wherein, with said coupling means positioned in said first configuration, the first axle and the second axle are not otherwise engaged with each other. Applicants respectfully submit that such a transaxle including a coupling means as called for in new Independent Claim 33 is not disclosed or suggested in the prior art and therefore new Independent Claim 33 and Claims 34-36 depending therefrom are in condition for allowance.

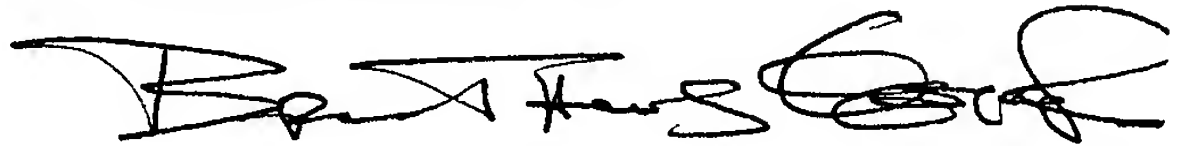
It is believed that the above represents a complete response to the Office Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and such action is earnestly solicited.

In the event Applicants have overlooked the need for an extension of time or payment of fee, Applicants hereby petition and authorize that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

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If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 260-424-8000.

Respectfully submitted,



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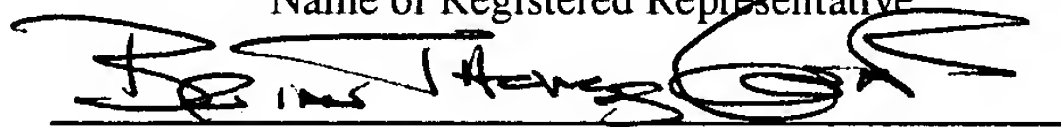
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: September 20, 2004

BRIAN THOMAS GEISLER, REG. NO. 54,115

Name of Registered Representative



Signature

September 20, 2004

Date